



Denmark

Country Reports on Human Rights Practices - [2002](#)

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Denmark is a constitutional monarchy with parliamentary democratic rule in which citizens periodically choose their representatives in free and fair multiparty elections. Queen Margrethe II is Head of State. The Cabinet, which is accountable to the unicameral Parliament (Folketing), leads the Government. A minority center-right coalition government led by the Liberal Party and formed after elections in November 2001 remained in power. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintained effective control of the security forces.

The advanced, market-based industrial economy provides residents with a high standard of living. The population is approximately 5.4 million. Nearly one-quarter of the work force is employed in the public sector. The key industries are food processing and metalworking, and a broad range of industrial goods is exported. The service sector, including information technology and consulting, is also a significant contributor to wealth generation.

The Government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. Violence against women was a problem, but the Government took steps to deal with it. Trafficking in women for prostitution remained a problem. Denmark was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. In 2001 four disciplinary cases against police for bodily harm yielded one conviction, three cases remained pending. This year, two such cases arose and remained pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. The Government maintained restrictions on the length of solitary confinement permitted and its rules for imposing it. Under the new rules, the percentage of detainees in solitary confinement dropped from about 10 percent of the total number of detainees in the late 1990s to less than 7 percent in 2001.

Men and women were housed separately. Juvenile detention facilities exist. Only those juvenile offenders convicted of the most violent crimes were incarcerated. The law provides that "violent" juvenile offenders between the ages of 15 and 17 may be sent to adult correctional facilities, but they were segregated from violent adult inmates. Pretrial detainees were held in remand centers, which also held nonviolent convicted criminals serving sentences of 30 months or less.

The Government permits visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions. The Constitution guarantees persons under arrest the right to a hearing before a judge within 24 hours of arrest. If a judge decides to hold persons in detention, he must issue an order stating why. The Constitution allows for the immediate appeal of detention orders.

The Constitution prohibits forced exile, and the Government did not employ it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex. There are no military courts or tribunals. A military criminal code exists, but enforcement is in the public judicial system.

The Constitution provides for the right to a fair trial, and an independent judiciary enforced this right. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to provide freedom of speech and of the press, including academic freedom.

There are 10 nationally distributed and 99 local newspapers, which are independent and privately owned. The Government owns two of the three national television networks and a share in the third national television network; however, there are several private satellite and cable television channels. A total of 140 local and 3 national private and public radio stations broadcast. The Government does not exercise editorial control over its radio and television outlets.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice. A permit is required for public demonstrations, but the Government used objective criteria in evaluating requests and did not discriminate in issuing permits.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government generally respected this right in practice.

The Constitution provides for an official state religion, the Evangelical Lutheran Church, which is subsidized by the Government. The Government does not require that religious groups be licensed; however, the State's permission is required for religious ceremonies such as weddings to have civil validity.

The Evangelical Lutheran faith is taught in public schools, but students may withdraw from religious classes with parental consent.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provided first asylum and in the first 9 months of the year granted it to 1,147 persons out of a total of 4,412 applications filed (a recognition rate of 26 percent), reflecting a decline both in the number of applications and in the recognition rate. The Government attributed this decrease (from the usual 50-60 percent) to changes in Iraq and Afghanistan which caused the Immigration Service to reject more asylum applications or temporarily delay decisions regarding these countries' citizens.

On July 1, the Government's new immigration legislation (the Alien Act) took effect which continued a trend of further restricting the standards for granting asylum and also decreased welfare for immigrants. There were no reports of the forced return of persons to a country where they feared persecution. The Alien Act provides that refugees traveling to their countries of origin on holiday will automatically have their cases reassessed (see Section 5). If they are found to be persecuted there no longer, they will be returned to their country of origin after residency is revoked.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Parliament.

There were 68 women in the 179-seat Parliament, and 5 of 18 ministers in the Government were women.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The Constitution and the law prohibit discrimination on the basis of sex, creed, or ethnicity. The law also prohibits discrimination on the basis of race, national or ethnic origin, or faith. The Government protects the rights of the country's indigenous people carefully.

Women

Violence against women was a problem, but the Government took steps to combat it. An umbrella nongovernmental organization (NGO) reported that in 2001 women's crisis shelters were contacted 10,483 times, compared with 8,825 times in 2000. A total of 2,012 women stayed at shelters during 2001. There were 493

reported rapes in 2001 and 262 during the first 6 months of the year. Rape, spousal abuse, and spousal rape are criminal offenses, and the Government effectively prosecuted those accused of such crimes. Statistics were not available regarding the numbers of abusers that were prosecuted, convicted, and punished.

Trafficking in women for the purpose of prostitution was a problem (see Section 6.f.). Although street prostitution was illegal, enforcement was inconsistent. Prostitutes were more commonly charged, if at all, with the lesser offense of "loitering", rather than for selling sexual services. However, private soliciting through newspaper advertisements and the Internet is legal. Police did not pursue cases involving prostitution in public establishments such as nightclubs unless seeking to track down pimps or people suspected of involvement in trafficking. Pimping is illegal, as is patronizing a prostitute under the age of 18.

The law requires equal pay for equal work, but some wage inequality remained. The law prohibits job discrimination on the basis of sex and provides recourse, such as access to the Equal Status Council, for those affected. Women held positions of authority throughout society, although they were underrepresented in senior business positions. Women's rights groups lobbied the Government on matters of concern, such as wage disparities and parental leave.

Children

The Government is strongly committed to children's rights and welfare; it amply funded systems of public education and medical care. Education is compulsory through the ninth grade and is free through the university level. School attendance is nearly universal. The Ministries of Social Affairs, Justice, and Education oversee implementation of programs for children.

All children except those requiring special assistance attend school. In 2000 96 percent of those completing ninth grade continued their education, of whom 52 percent chose academic secondary education and 38 percent vocational secondary education. Boys and girls were treated equally. Slightly more women than men completed post-secondary education.

There is no societal pattern of abuse against children. The law bans the physical punishment of children by adults, including their parents. The Government prosecuted those engaged in child prostitution and broke a Denmark-based, child pornography ring operating on the Internet.

Persons with Disabilities

There is no discrimination against persons with disabilities in employment, education, or in the provision of other state services. Building regulations require special facilities for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government generally enforced these provisions in practice.

Indigenous People

The law protects the rights of the inhabitants of Greenland and the Faroe Islands. Greenland's legal system seeks to accommodate Inuit customs. Accordingly it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

In 1999 a court ruled that the Government unjustly resettled Greenland Inuits in 1953 to accommodate the expansion of a U.S. Air Force base in northwest Greenland; the court ordered the Government to pay compensation to those displaced and their descendants. The compensation was substantially less than the amount that the defendants sued for, and the case remained under appeal in the Supreme Court at year's end.

National/Racial/Ethnic Minorities

The inflow of ethnically and racially diverse refugees and immigrants caused some tension between citizens and immigrants (mostly Iranians, Palestinians, Pakistanis, Sri Lankans, Somalis, or refugees from the former Yugoslavia) and led to several legislative reforms. In response to publicity concerning the involvement of foreigners in street crime and allegations of refugee social welfare fraud, Parliament tightened immigration laws in 1999 and passed additional comprehensive legislation (the Alien Act) on July 1 (see Section 2.d).

The new law abolished the status of de facto refugee; only persons entitled by international convention to protection are able to obtain residency. Family reunification is now more difficult, and immigrants and refugees may no longer acquire permanent residence by living in the country for 3 years; rather, they must now reside in the country for 7 years and demonstrate that they have integrated into society and developed ties to the country. The new law also abolished access to reunification with parents over 60 years old.

There is no statutory right to reunification with a spouse. Both spouses must be at least 24 years old and be able to demonstrate a closer combined association to Denmark than to the foreign spouse's country. Access to reunification of foreign spouses with refugee spouses is abolished in cases where they marry after the refugee's flight to Denmark; these cases will be processed as would any application for reunification with a Danish spouse. For a marriage to be legal, both spouses must be lawful residents; persons with unlawful or procedural residence may not marry in Denmark.

There were 63 incidents of racial discrimination or racially motivated violence, compared with 100 in 2001; only 6 of these incidents involved violence, with the remainder involving such acts as vandalism and verbal abuse. The Government effectively investigated and dealt with cases of racially motivated violence.

Section 6. Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belonged to unions that were independent of the Government and political parties.

The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities.

Unions may affiliate freely with international organizations, and they did so actively.

b. The Right to Organize and Bargain Collectively

The right to organize is protected by law. Workers and employers acknowledged each other's right to organize. Collective bargaining is protected by law and is widespread in practice. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and management and labor vote on its proposal. If the proposal is rejected, the Government may impose a legislated solution on the parties (usually based upon the mediators' proposal). The agreements are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group led by the Finance Ministry.

More than 50 percent of wage earners were in unions affiliated with the Confederation of Danish Labor (LO). The LO traditionally has had a close relationship with the Social Democrat Party. There were also 3 other umbrella labor organizations with which 41 unions were affiliated. There are also several independent unions not affiliated with any labor federations or umbrella organizations.

All unions except those representing civil servants or the military have the right to strike. Workers often exercised their right to strike. In 2001 approximately 59,500 workdays were lost due to strikes.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenland's courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum legal age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Export industries do not use child labor.

The law prohibits forced and bonded labor by children, such practices are not condoned, and all forms of child exploitation are investigated and prosecuted (see Section 5)

e. Acceptable Conditions of Work

The law does not mandate a minimum national minimum wage, but national labor agreements effectively set a wage floor. The lowest contractual hourly wage paid allowed in 2001 was approximately \$13 (88 kroner). However, the average wage of adult workers was \$26 (178 kroner) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year, and labor contracts added an average of 4 extra paid holidays in 2001. Workers normally worked a 37-hour workweek, which is established by contract, not by law. The law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; the duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and legal protections cover workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the workweek is established by contract, not by law. Foreign workers with residence and work permission enjoy the same rights as citizens. Illegal foreign workers have no such labor protection.

f. Trafficking in Persons

Trafficking was a problem. Late in the year, Parliament passed a new law specifically defining and criminalizing trafficking in persons. Previously, the Government had used laws against kidnapping and pimping to prosecute traffickers; Danish authorities had broadly identified "trafficking in women" as the bringing into the country of women for the purpose of prostitution even if they came to the country legally and voluntarily. The new definition aligned the law more closely with the international definition, which includes essential components of force, fraud, or coercion. Experience applying the new law has been limited but demonstrated possible technical enforcement problems where the force, fraud, or coercion components were lacking. Four persons involved in trafficking who were convicted earlier in the year under the old law appealed, and their cases were pending at year's end.

The Government cooperated with international investigations of trafficking.

Authorities believed that women continued to be brought from Eastern Europe (the Baltics, in particular) and Asia to work as prostitutes. Victims lured by the prospect of higher wages and a better life, only to be forced into prostitution or have their passports withheld, were covered under the new law. Their traffickers were suspected to have ties to organized crime, specifically Russian and Baltic mafia, and were the subjects of ongoing police investigations and prosecutions.

The Government takes seriously trafficking in all its forms but is limited by a legal regime in which prostitution is, except for "streetwalking/solicitation," legal and well-paid.

An interagency working group, created in 2000 to address trafficking--with members from the Ministries of Justice, Social Affairs, Gender and Equality, Employment, and Education, as well from NGOs--met monthly to share information. The Parliament appropriated approximately \$4.5 million (32 million kroner) for use during the next 3 years in projects related to trafficking, ranging from efforts to combat trafficking to assistance for trafficking victims. Working group ministries will be involved in administering these resources.

The Government did not provide medical or legal assistance directly to victims, and there was no governmental or nongovernmental entity specifically concerned with victims of trafficking. Several government-supported organizations provided services to victims on a case-by-case basis.